IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

RP.No. 239 of 2007()
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AGAINST THE JUDGEMENT/ORDER IN AFA.31/2002 Dated 15/01/2007
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PETITIONER/RESPONDENT
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PURUSHU V.K., S/O. APPUKKUTTY,
RESIDING AT EDAKKAD AMSOM AND DESOM IN
KOZHIKODE TALUK.

BY ADV. SRI.T.R.RAVI

RESPONDENTS: APPELLANT
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T.V.JOSEKUTTY, S/O. KUNHU VAREED,
RESIDING IN NADUVATTOM AMSOM AND DESOM
OF KOZHIKODE TALUK.

BY ADV. SRI.R.D.SHENOY
SRI.S.VINOD BHAT

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.K.DENESAN & A.K. BASHEER, JJ.**

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**R.P.NO: 239 OF 2007 IN**
**A.F.A.NO: 31 OF 2002**

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**Dated this the 11th April, 2007.**

**O R D E R**

**Basheer, J.**

The respondent/defendant in a suit for realisation of money has preferred this review petition contending inter alia that the rate of interest awarded by the trial court is unconscionable and therefore while affirming the decree and judgment of the trial court, this Court ought to have reduced it.

2. It is fairly conceded by learned counsel for the review petitioner that while hearing the appeal such a contention was not raised. We have also perused the memorandum of appeal in A.S.514/95 in which the review petitioner was the appellant. He had not raised the above contention in the said memorandum of appeal either. Having regard to the contentions raised by the petitioner in the memorandum of review petition, we do not find any error apparent on the face of the record warranting a review of

the judgment. There is no merit in this review petition. It is accordingly dismissed.

K.K.DENESAN
Judge

A.K. BASHEER
Judge

jj

K.K.DENESAN & V. RAMKUMAR, JJ.

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**M.F.A.NO:**

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**JUDGMENT**

Dated: